

No comments were received at either of the public hearings, and no changes were made to the Notice of Intended Action.

This amendment is intended to implement Iowa Code section 462A.17 and 462A.26.

The following amendment will become effective March 6, 2009.

The following amendment has been adopted.

Adopt the following new rule 571—40.56(462A):

571--40.56(462A) Zoning of Mississippi River, Des Moines County, city of Burlington.

All vessels shall be operated at a speed no greater than five miles per hour within the area designated by marker buoys or other approved uniform waterway markers beginning at the north city boat ramp and public dock and extending downstream to the south city boat ramp and public dock. The zoned area shall extend no farther than 150 feet from the shore and approximately 150 feet west of the edge of the barge channel. The city of Burlington shall designate the five-mile-per-hour speed zone with buoys approved by the natural resource commission.

Date

Richard A. Leopold, Director

(P:40f.doc/mg)

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

13

DECISION

TOPIC

Final: Chapter 40—Speed & Distance Zoning, Burlington

The Commission is asked to amend Chapter 40, “Speed & Distance Zoning,” Iowa Administrative Code. This amendment has been requested by the City of Burlington for the creation of a five mile per hour speed zone on the Mississippi River to be located within the City of Burlington. The area being proposed is an historic riverfront and also contains two municipal boat ramps and public dock areas. The speed zone will extend no further than approximately 150 feet west of the barge channel.

The City of Burlington requested this amendment to help preserve the aesthetics of the historic frontage as well as to protect the safety of the public who use the docks and boat ramp for water recreation purposes.

No comments were received at either of the public hearings held in Burlington and Des Moines, and no changes were made to the Notice of Intended Action.

Jason Sandholtd, Interim Law Enforcement Bureau Chief
Conservation and Recreation Division
January 9, 2009

Attachment: Final: Chapter 40 – Speed and Distance Zoning Rule

NATURAL RESOURCE COMMISSION[571]
Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby amends Chapter 40, “Boating Speed and Distance Zoning,” Iowa Administrative Code.

This amendment was requested by the City of Burlington in Des Moines County to establish a five-mile-per-hour speed zone on the Mississippi River by placement of regulatory buoys in such a way as to define the speed zone area that will be located between the north city docks/boat ramp and the south city docks/boat ramp. The marker buoys will be placed no farther than 150 feet from the shoreline and approximately 150 from the west edge of the barge channel.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 25, 2008, as ARC 7309B. Public hearings were held at the Wallace State Office Building on November 25, 2008, and locally by the City of Burlington on November 3, 2008.